

February 15, 2001

H 140. RACIAL JUSTICE ACT. TO PROVIDE FOR THE FAIR AND RELIABLE IMPOSITION OF CAPITAL SENTENCES, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION. Adds new Art. 101 to GS Ch. 15A to prevent the imposition of the death penalty in cases where a death sentence was sought or obtained on the basis of race. Permits a pretrial finding that race was the basis for seeking a death penalty if the defendant proves by clear and convincing evidence, statistical or otherwise, that death sentences were sought significantly more frequently in the county, the prosecutorial district, or the state at large for crimes by or against one race. Permits a posttrial finding that race was the basis for seeking a death penalty if court finds that race was a significant factor in exercising peremptory challenges. Effective retroactively.

Intro. by Sutton, Fitch, Luebke.

Ref. to Judiciary I	GS 15A
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April 24, 2001

H 140. RACIAL JUSTICE ACT. Intro. 2/15/01. House committee substitute makes the following changes to 1st edition. Permits finding that race was basis of decision to seek death sentence if court finds that race was “statistically” significant factor in such decisions (adding quoted word). Provides that pertinent period for such a finding is the 10 years preceding the trial.